

HOUSE BILL NO. 261

INTRODUCED BY HAINES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DEBT LIMIT UNDER THE MUNICIPAL
5 FINANCE CONSOLIDATION ACT; INCREASING THE LOAN TO THE DEPARTMENT OF JUSTICE FOR THE
6 MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM FROM \$4.5 MILLION TO \$22.5 MILLION;
7 TEMPORARILY INCREASING THE FEE FOR ISSUANCE OF A CERTIFICATE OF OWNERSHIP FOR A
8 MOTORBOAT OR SAILBOAT, A SNOWMOBILE, AN OFF-HIGHWAY VEHICLE, AND A MOTOR VEHICLE BY
9 ~~\$5 \$8 \$5~~; TEMPORARILY IMPOSING A \$15 \$10 FEE ON THE ISSUANCE OF A NEW CERTIFICATE OF TITLE;
10 TEMPORARILY INCREASING THE FEE FOR OBTAINING A DUPLICATE CERTIFICATE OF OWNERSHIP;
11 REQUIRING THE DEPOSIT OF THE NEW AND INCREASED FEES IN THE MOTOR VEHICLE INFORMATION
12 TECHNOLOGY SYSTEM ACCOUNT FOR PURPOSES OF REPAYING THE LOAN AND FUND TRANSFER;
13 MAKING THE COURT INFORMATION TECHNOLOGY ACCOUNT PERMANENT; AMENDING SECTIONS
14 ~~15-1-122, 3-5-904,~~ 17-5-1608, 17-5-2001, 23-2-508, 23-2-611, 23-2-811, ~~61-3-103, 61-3-203, 61-3-204,~~ AND
15 ~~61-3-550, MCA, SECTION 4, CHAPTER 361, LAWS OF 1995, SECTION 1, CHAPTER 71, LAWS OF 1999,~~ AND
16 SECTIONS 5 AND 9, CHAPTER 394, LAWS OF 2001; AND PROVIDING AN EFFECTIVE DATES DATE, A
17 TERMINATION DATE, AND A RETROACTIVE APPLICABILITY DATE."

18

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

20

21 ~~Section 1.~~ Section 15-1-122, MCA, is amended to read:

22 ~~"15-1-122. Fund transfers.~~ (1) There is transferred from the state general fund to the adoption services
23 account, provided for in ~~42-2-105,~~ \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of
24 the transfer must be increased by 10% in each succeeding fiscal year.

25 ~~(2) There is transferred from the state general fund to the department of transportation state special~~
26 ~~revenue nonrestricted account the following amounts:~~

27 ~~(a) \$75,000 in fiscal year 2003;~~28 ~~(b) \$2,960,715 in fiscal year 2004; and~~

29 ~~(c) in each succeeding fiscal year, the amount in subsection (2)(b), increased by 1.5% in each~~
30 ~~succeeding fiscal year.~~

1 ~~————(3) For fiscal year 2002 and for each succeeding fiscal year, there is transferred from the state general~~
2 ~~fund to the accounts, entities, or recipients indicated the following amounts:~~

3 ~~————(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:~~

4 ~~————(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for~~
5 ~~which a fee is paid pursuant to 61-3-203; and~~

6 ~~————(ii) \$1 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to Title~~
7 ~~61, chapter 3, part 3. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal~~
8 ~~of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any~~
9 ~~portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year~~
10 ~~following its payment must be used as provided in 75-10-532;~~

11 ~~————(b) to the noxious weed state special revenue account provided for in 80-7-816:~~

12 ~~————(i) \$1 for each off-highway vehicle subject to payment of the fee in lieu of tax, as provided for in~~
13 ~~23-2-803; and~~

14 ~~————(ii) \$1.50 for each light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicles weighing~~
15 ~~more than 1 ton, motorcycle, quadricycle, and motor home subject to registration or reregistration pursuant to~~
16 ~~61-3-321;~~

17 ~~————(c) to the department of fish, wildlife, and parks:~~

18 ~~————(i) \$2.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under~~
19 ~~23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other~~
20 ~~boat facilities;~~

21 ~~————(ii) \$5 for each snowmobile registered under 23-2-616, with \$2.50 to be used for enforcing the purposes~~
22 ~~of 23-2-601 through 23-2-644 and \$2.50 designated for use in the development, maintenance, and operation~~
23 ~~of snowmobile facilities;~~

24 ~~————(iii) \$1 for each duplicate snowmobile decal issued under 23-2-617;~~

25 ~~————(iv) \$5 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate~~
26 ~~decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the~~
27 ~~money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle~~
28 ~~recreational use;~~

29 ~~————(v) to the state special revenue fund established in 23-1-105, \$3.50 for each recreational vehicle,~~
30 ~~camper, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321 or 61-3-524;~~

1 and

2 ~~———(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the~~
3 ~~motorboat account to be used as provided in 23-2-533;~~

4 ~~———(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license~~
5 ~~plate issued pursuant to 61-3-332(10)(a)(ii), (10)(f), and (10)(h);~~

6 ~~———(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709,~~
7 ~~25 cents for each motor vehicle registered, other than trailers or semitrailers registered in other jurisdictions and~~
8 ~~registered through a proportional registration agreement; and~~

9 ~~———(f) 25 cents a year for each vehicle subject to the fee in 61-3-321(6) for deposit in the state special~~
10 ~~revenue fund to the credit of the senior citizens and persons with disabilities transportation services account~~
11 ~~provided for in 7-14-112; and~~

12 ~~———(g) to the motor vehicle information technology system account, \$5 of each fee received under~~
13 ~~23-2-508, 23-2-611, 23-2-811, and 61-3-203 for a certificate of ownership.~~

14 ~~———(4) For fiscal year 2002, there is transferred from the state general fund to the state special revenue~~
15 ~~fund to be used for purposes of state funding of district court expenses, as provided in 3-5-901, \$5,742,983 in~~
16 ~~lieu of the amount deposited by the state treasurer under 61-3-509(3), as that subsection read prior to the~~
17 ~~amendment of 61-3-509 in 2001.~~

18 ~~———(5) For each fiscal year, beginning with fiscal year 2002, the department of justice shall provide to the~~
19 ~~department of revenue a count of the vehicles required for the calculations in subsection (3). Transfer amounts~~
20 ~~for fiscal year 2002 must be based on vehicle counts for calendar year 2000. Transfer amounts in each~~
21 ~~succeeding fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle~~
22 ~~information is available.~~

23 ~~———(6) The amounts transferred from the general fund to the designated recipient must be appropriated~~
24 ~~as state special revenue in the general appropriations act for the designated purposes."~~

25

26 ~~———~~ **SECTION 1. SECTION 3-5-904, MCA, IS AMENDED TO READ:**

27 ~~———~~ **"3-5-904. (Temporary) Account established for court information technology.** (1) There is an
28 account in the state special revenue fund for state funding of court information technology.

29 ~~———(2) Money collected pursuant to 3-1-317 must be deposited in this account. (Terminates June 30,~~
30 ~~2003--sec. 1, Ch. 71, L. 1999.)"~~

1

2 **Section 1.** Section 17-5-1608, MCA, is amended to read:

3 **"17-5-1608. (Temporary) Limitations on amounts.** The board may not issue any bonds or notes that
4 cause the total outstanding indebtedness of the board under this part, except for bonds or notes issued to fund
5 or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation
6 notes of a local government as defined in 7-6-1101, to exceed ~~\$80~~ \$100 million. (Terminates June 30, ~~2014~~
7 2013 ~~sec. 9, Ch. 394, L. 2001.~~)

8 **17-5-1608. (Effective July 1, 2014 2013) Limitations on amounts.** The board may not issue any
9 bonds or notes that cause the total outstanding indebtedness of the board under this part (except for bonds or
10 notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or
11 revenue anticipation notes of a local government as defined in 7-6-1101) to exceed \$75 million."

12

13 **Section 2.** Section 17-5-2001, MCA, is amended to read:

14 **"17-5-2001. (Temporary) Loans to state agencies.** (1) An agency responsible for the procurement
15 and provision of vehicles, automated systems, and equipment using an enterprise fund or an internal service
16 fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of
17 indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and
18 equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal
19 service fund if:

20 (a) the term of the indebtedness does not exceed the useful life of the items being financed; and

21 (b) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees
22 and charges approved by the legislature and other available fund revenue, will be sufficient to repay the
23 indebtedness over the proposed term and to maintain the operation of the enterprise.

24 (2) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms
25 of indebtedness with the board of investments for an amount not to exceed ~~\$4.5~~ \$22.5 million, payable over a
26 term not to exceed 10 years, for financing the cost of an information technology system for the production and
27 maintenance of motor vehicle title and registration records and driver's license records.

28 (b) For purposes of the financing of the motor vehicle information technology system, loans are payable
29 from the money in the motor vehicle information technology system account as provided in 61-3-550. The term
30 of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made,

1 the projected revenue of the motor vehicle information technology system account, based upon the fees
2 approved by the legislature, must be sufficient to repay the indebtedness over the proposed term.

3 (3) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms
4 of indebtedness with the board of investments for an amount not to exceed \$1,120,000, payable over a term not
5 to exceed 7 years, for the acquisition of video gambling automated accounting and reporting system data
6 collection units.

7 (b) The loan is payable from the department of justice's annual appropriation from the general fund.

8 (c) The term of the indebtedness may not exceed the useful life of the items being financed. At the time
9 that the loan is made, the department of justice's base budget appropriation from the general fund must be
10 sufficient to repay the indebtedness with respect to the video gambling data collection units over the proposed
11 term of the loan.

12 (d) The loan is subject to the risk of nonappropriation. (Terminates June 30, ~~2014~~ 2013 ~~sec. 9, Ch. 394,~~
13 ~~L. 2004.~~)

14 **17-5-2001. (Effective July 1, ~~2014~~ 2013) Loans to state agencies.** An agency responsible for the
15 procurement and provision of vehicles and equipment using an enterprise fund or an internal service fund, as
16 described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness
17 payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment
18 and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund
19 if:

20 (1) the term of the indebtedness does not exceed the useful life of the items being financed; and

21 (2) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees
22 and charges approved by the legislature and other available fund revenue, will be sufficient to repay the
23 indebtedness over the proposed term and to maintain the operation of the enterprise."

24

25 **Section 3.** Section 23-2-508, MCA, is amended to read:

26 **"23-2-508. Certificate of ownership -- filing of security interests.** (1) Except as provided in
27 subsection (9), a motorboat or sailboat 12 feet in length or longer may not be operated upon the waters of the
28 state unless a certificate of ownership has first been obtained from the department of justice in accordance with
29 the laws of this state.

30 (2) The owner of a motorboat or sailboat 12 feet in length or longer shall apply for a certificate of

1 ownership and a certificate of number with the county treasurer of the county in which the owner resides, upon
2 forms furnished by the department of justice. The forms must require the following information:

- 3 (a) name of the owner;
- 4 (b) residence of the owner, by town or county;
- 5 (c) business or home address of the owner;
- 6 (d) name and address of any lienholder;
- 7 (e) amount due under any contract or lien;
- 8 (f) name of the manufacturer;
- 9 (g) model number or name;
- 10 (h) identification number;
- 11 (i) name and address of the dealer or other person from whom acquired, if known; and
- 12 (j) other information that the department of justice may require.

13 (3) The application is to be accompanied by documentation of ownership, such as an invoice, a bill of
14 sale, a foreign title, an official certificate of boat number, a fee in lieu of tax receipt, or a certificate of ownership
15 of a trailer purchased with the motorboat or sailboat. An applicant who fails to provide proof of ownership shall
16 provide a certified statement describing how the motorboat or sailboat 12 feet in length or longer was acquired,
17 from whom acquired, if known, and other information requested by the department of justice.

18 (4) If a certificate of ownership has previously been issued under the provisions of this part, the
19 application for a new certificate must be accompanied by the immediately previous certificate. This subsection
20 does not apply to motorboats or sailboats 12 feet in length or longer that are purchased as new and unused
21 vessels or that were operated when the provisions of this part were not in force and effect.

22 (5) A motorboat or sailboat 12 feet in length or longer that does not have a manufacturer's or other
23 identifying number on the motorboat or sailboat must be assigned an identification number by the department.
24 A fee of \$1 must be paid to the department for an assignment of number.

25 (6) Upon completion of the application, the county treasurer shall issue to the applicant two copies of
26 the certificate of number application, one of which must be marked "file copy". The treasurer shall forward one
27 copy and the original application for a certificate of ownership to the department of justice, which shall enter the
28 information contained in the application upon the corresponding records of its office and shall furnish the
29 applicant a certificate of ownership containing that information in the application considered necessary by the
30 department and a permanent boat number. The certificate of ownership need not be renewed annually and is

1 valid as long as the person holding it owns the vessel.

2 (7) The owner shall at all times retain possession of the certificate of ownership, except when it is being
3 transmitted to and from the department of justice for endorsement or cancellation.

4 (8) Upon application for a certificate of ownership, a fee of ~~\$5 \$10 \$13~~ \$10 must be paid to the county
5 treasurer, ~~which must be forwarded by the county treasurer to the department of justice and, OF THE \$13 \$10 FEE,~~
6 \$5 MUST BE FORWARDED TO THE DEPARTMENT OF REVENUE AND MUST BE deposited in the general fund. THE
7 REMAINING \$8 \$5 MUST BE FORWARDED TO THE DEPARTMENT OF JUSTICE FOR DEPOSIT IN THE MOTOR VEHICLE
8 INFORMATION TECHNOLOGY SYSTEM ACCOUNT PROVIDED FOR IN 61-3-550.

9 (9) A person who, on July 1, 1988, is the owner of a motorboat or sailboat 12 feet in length or longer
10 with a valid certificate of number issued by the state is not required to file an application for a certificate of
11 ownership for the motorboat or sailboat unless the person transfers a part of the person's interest in the
12 motorboat or sailboat or renews the certificate of number for the motorboat or sailboat.

13 (10) The department of justice may not file a voluntary security interest or lien unless it is accompanied
14 by or specified in the application for a certificate of ownership of the boat encumbered. If the approved lien notice
15 is transmitted to the department of justice, the security agreement or other lien instrument that creates the
16 security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien
17 notice if it contains the name and address of the debtor and the secured party, the complete boat description,
18 the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security
19 interests and liens by entering the name and address of the secured party upon the face of the certificate of
20 ownership. Involuntary liens must be filed against the record of the boat encumbered. The department of justice
21 shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of
22 justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the
23 transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department
24 of justice shall return the certificate of ownership to the county treasurer of the county in which the boat is to be
25 registered. The owner of a boat is the person entitled to operate and possess the boat.

26 (11) A security interest in a boat held as inventory by a dealer must be perfected in accordance with Title
27 30, chapter 9A.

28 (12) Whenever a security interest or lien is filed against a boat that is subject to two security interests
29 previously perfected under this section, the department of justice shall endorse on the face of the certificate of
30 ownership: "NOTICE. This boat is subject to additional security interest on file with the Department of Justice."

1 No other information regarding the additional security interests need be endorsed on the certificate.

2 (13) Satisfactions or statements of release filed with the department of justice under this part must be
3 retained for a period of 8 years after receipt, after which they may be destroyed.

4 (14) Except as provided in subsection (15), a voluntary security interest or lien is perfected on the date
5 the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured
6 party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to
7 subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer,
8 of the existence of the security interest.

9 (15) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on
10 the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by
11 the department of justice. On that date, the department of justice shall issue to the secured party a receipt
12 evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent
13 purchasers or encumbrancers, from the date the lien notice is delivered to the department of justice, of the
14 existence of the security interest.

15 (16) Upon default under a chattel mortgage or conditional sales contract covering a boat, the mortgagee
16 or vendor has the same remedies as in the case of other personal property. In case of attachment of a boat, all
17 the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with
18 the department of justice.

19 (17) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a
20 chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is
21 required to pay the department of justice the sum of \$1 for each day that the person fails to file the satisfaction.

22 (18) Upon receipt of notice of any involuntary liens or attachments against the record of any boat
23 registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales
24 vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount
25 of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action,
26 and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

27 (19) It is not necessary to refile with the department of justice any instruments on file in the office of the
28 county clerk and recorder on October 1, 1989.

29 (20) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against
30 a boat. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of

1 entering the satisfaction or release on the records of the department of justice and deleting the endorsement
2 of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department
3 of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on
4 file with the department of justice or for filing an assignment of any security interest or other lien on file with the
5 department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the
6 state general fund in accordance with 15-1-504."

7

8 **Section 4.** Section 23-2-611, MCA, is amended to read:

9 **"23-2-611. Certificate of ownership -- filing of security interests.** (1) A snowmobile may not be
10 operated upon any private or public lands, trails, easements, lakes, rivers, streams, roadways or shoulders of
11 roadways, streets, or highways unless a certificate of ownership has first been obtained from the department
12 of justice in accordance with the laws of this state. A certificate of ownership is not required for a snowmobile
13 purchased prior to April 16, 1993, if use of the snowmobile is restricted to private land.

14 (2) The owner of a snowmobile shall apply for a certificate of ownership with the county treasurer of the
15 county in which the owner resides, upon forms to be furnished for this purpose. The forms must require the
16 following information:

- 17 (a) the name of the owner;
18 (b) the residence of the owner, by town and county;
19 (c) the business or home mailing address of the owner;
20 (d) the name and address of any lienholder;
21 (e) the amount due under any contract or lien;
22 (f) the name of the manufacturer;
23 (g) the model number or name;
24 (h) the identification number; and
25 (i) the name and address of the dealer or other person from whom acquired.

26 (3) The application must be accompanied by documentation of ownership, such as an invoice, notarized
27 bill of sale from the immediately previous owner, foreign title, official certificate of snowmobile number, or fee
28 in lieu of tax receipt.

29 (4) The application must be signed by at least one owner or by a properly authorized officer or
30 representative of the owner.

1 (5) If a certificate of ownership has previously been issued under the provisions of 23-2-601 through
2 23-2-644, the application for a new certificate must be accompanied by the immediately previous certificate. This
3 subsection does not apply to snowmobiles that are purchased as new and unused machines or that were
4 operated when the provisions of 23-2-601 through 23-2-644 were not in force and effect.

5 (6) Upon completion of the application, on forms furnished by the department of justice, the county
6 treasurer shall issue to the applicant two copies of the application, one of which must be marked "file copy". The
7 treasurer shall forward one copy and the original application to the department of justice, which shall enter the
8 information contained in the application upon the corresponding records of its office and shall furnish the
9 applicant with a certificate of ownership, which must contain that information in the application considered
10 necessary by the department of justice, and a permanent ownership number. The certificate of ownership is not
11 to be renewed annually and is valid as long as the person holding it owns the snowmobile.

12 (7) The owner shall at all times retain possession of the certificate of ownership, except when it is being
13 transmitted to and from the department of justice for endorsement or cancellation.

14 (8) Upon application for a certificate of ownership, a fee of ~~\$5 \$10 \$13 \$10~~ must be paid to the county
15 treasurer, ~~which must be forwarded by the county treasurer to the department of justice and, OF THE \$13 \$10 FEE,~~
16 \$5 MUST BE FORWARDED TO THE DEPARTMENT OF REVENUE AND MUST BE deposited in the general fund. THE
17 REMAINING ~~\$8~~ \$5 MUST BE FORWARDED TO THE DEPARTMENT OF JUSTICE FOR DEPOSIT IN THE MOTOR VEHICLE
18 INFORMATION TECHNOLOGY SYSTEM ACCOUNT PROVIDED FOR IN 61-3-550.

19 (9) The department of justice may not file a voluntary security interest or lien unless it is accompanied
20 by or specified in the application for a certificate of ownership of the snowmobile encumbered. If the approved
21 lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates
22 the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a
23 lien notice if it contains the name and address of the debtor and the secured party, the complete snowmobile
24 description, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary
25 security interests and liens by entering the name and address of the secured party upon the face of the
26 certificate of ownership. Involuntary liens must be filed against the record of the snowmobile encumbered. The
27 department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party.
28 The department of justice shall mail the certificate of ownership to the owner at the address given on the
29 certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or
30 secured party, the department of justice shall return the certificate of ownership to the county treasurer of the

1 county in which the snowmobile is to be registered. The owner of a snowmobile is the person entitled to operate
2 and possess the snowmobile.

3 (10) A security interest in a snowmobile held as inventory by a dealer must be perfected in accordance
4 with Title 30, chapter 9A.

5 (11) Whenever a security interest or lien is filed against a snowmobile that is subject to two security
6 interests previously perfected under this section, the department of justice shall endorse on the face of the
7 certificate of ownership: "NOTICE. This snowmobile is subject to additional security interest on file with the
8 Department of Justice." Other information regarding the additional security interests need not be endorsed on
9 the certificate.

10 (12) Satisfactions or statements of release filed with the department of justice under this part must be
11 retained for a period of 8 years after receipt, after which they may be destroyed.

12 (13) Except as provided in subsection (14), a voluntary security interest or lien is perfected on the date
13 the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured
14 party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to
15 subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer,
16 of the existence of the security interest.

17 (14) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on
18 the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by
19 the department of justice. On that date, the department of justice shall issue to the secured party a receipt
20 evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent
21 purchasers or encumbrancers, from the date the lien notice is delivered to the department of justice, of the
22 existence of the security interest.

23 (15) Upon default under a chattel mortgage or conditional sales contract covering a snowmobile, the
24 mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment
25 of a snowmobile, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits
26 must be made with the department of justice.

27 (16) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a
28 chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is
29 required to pay the department of justice the sum of \$1 for each day that the satisfaction is not filed.

30 (17) Upon receipt of notice of any involuntary liens or attachments against the record of any snowmobile

1 registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales
2 vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount
3 of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action,
4 and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

5 (18) It is not necessary to refile with the department of justice any instruments on file in the office of the
6 county clerk and recorder on October 1, 1989.

7 (19) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against
8 a snowmobile. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the
9 cost of entering the satisfaction or release on the records of the department of justice and deleting the
10 endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the
11 department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other
12 lien on file with the department of justice or for filing an assignment of a security interest or other lien on file with
13 the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit
14 in the state general fund in accordance with 15-1-504."

15

16 **Section 5.** Section 23-2-811, MCA, is amended to read:

17 **"23-2-811. Certificate of ownership -- procedure -- fee -- filing security interest.** (1) An off-highway
18 vehicle may not be operated upon any public lands, trails, easements, lakes, rivers, or streams unless a
19 certificate of ownership has first been obtained from the department of justice.

20 (2) The owner of an off-highway vehicle shall apply for a certificate of ownership to the county treasurer
21 of the county in which the owner resides, on a form furnished by the department of justice for that purpose. The
22 form must include:

23 (a) the name of the owner;

24 (b) the residence of the owner, by town and county;

25 (c) the business address or home mailing address of the owner;

26 (d) the name and address of any lienholder;

27 (e) the amount due under any contract, mortgage, or lien;

28 (f) the name of the manufacturer;

29 (g) the model number or name;

30 (h) the identification number; and

1 (i) the name and address of the dealer or other person from whom the off-highway vehicle was
2 acquired.

3 (3) The application must be signed by at least one owner or by a properly authorized agent of the owner.

4 (4) The application for a new certificate of ownership must be accompanied by the immediately previous
5 certificate. This subsection does not apply to off-highway vehicles that are purchased as new and unused
6 machines or that were operated before January 1, 1990.

7 (5) (a) After the owner completes the application form, the county treasurer shall issue to the applicant
8 two copies of the completed application, with one marked "file copy", and shall forward one copy and the original
9 application to the department of justice. The department of justice shall enter the information contained in the
10 application upon the corresponding records of its office and shall send the applicant a certificate of ownership
11 containing a permanent ownership number and information from the application considered necessary by the
12 department of justice.

13 (b) The certificate of ownership is not required to be renewed annually and is valid as long as the person
14 holding it owns the off-highway vehicle.

15 (6) The owner shall at all times retain possession of the certificate of ownership, except when it is being
16 transmitted to and from the department of justice for endorsement or cancellation.

17 (7) Upon application for a certificate of ownership, a fee of ~~\$5 \$10 \$13 \$10~~ must be paid to the county
18 treasurer, ~~which must be forwarded to the department of justice for deposit~~ AND, OF THE \$13 \$10 FEE, \$5 MUST
19 BE FORWARDED TO THE DEPARTMENT OF REVENUE AND MUST BE DEPOSITED in the general fund. THE REMAINING \$8
20 \$5 MUST BE FORWARDED TO THE DEPARTMENT OF JUSTICE FOR DEPOSIT IN THE MOTOR VEHICLE INFORMATION
21 TECHNOLOGY SYSTEM ACCOUNT PROVIDED FOR IN 61-3-550.

22 (8) The department of justice may not file a voluntary security interest or lien unless it is accompanied
23 by or specified in the application for a certificate of ownership of the encumbered off-highway vehicle. If the
24 approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument
25 that creates the security interest must be retained by the secured party. A copy of the security agreement is
26 sufficient as a lien notice if it contains the name and address of the debtor and the secured party, a complete
27 description of the off-highway vehicle, the amount of the lien, and the signature of the debtor. The department
28 of justice shall file voluntary security interests and liens by entering the name and address of the secured party
29 upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the off-highway
30 vehicle encumbered. The department of justice shall mail a statement certifying the filing of a security interest

1 or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the
2 address given on the certificate. However, if the transfer of ownership and filing of the security interest are paid
3 for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county
4 treasurer of the county where the vehicle is to be registered. The owner of an off-highway vehicle is the person
5 entitled to operate and possess the vehicle.

6 (9) A security interest in an off-highway vehicle held as inventory by a dealer must be perfected in
7 accordance with Title 30, chapter 9A.

8 (10) Whenever a security interest or lien is filed against an off-highway vehicle that is subject to two or
9 more security interests previously perfected under this section, the department of justice shall endorse on the
10 face of the certificate of ownership: "Notice. This off-highway vehicle is subject to additional security interests
11 on file with the Department of Justice." Other information regarding the additional security interests need not be
12 endorsed on the certificate.

13 (11) Satisfaction or statements of release filed with the department of justice under this section must be
14 retained for a period of 8 years from the date of receipt, after which they may be destroyed.

15 (12) Except as provided in subsection (13), a voluntary security interest or lien is perfected on the date
16 the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured
17 party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to
18 subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer,
19 of the existence of the security interest.

20 (13) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on
21 the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by
22 the department of justice. On that date, the department shall issue to the secured party a receipt evidencing the
23 perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or
24 encumbrancers, from the date the lien notice is delivered to the department, of the existence of the security
25 interest.

26 (14) Upon default under a chattel mortgage or conditional sales contract covering an off-highway vehicle,
27 the mortgagee or vendor has the same remedies as in the case of other personal property. In the case of
28 attachment of an off-highway vehicle, the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable,
29 except that deposits must be made with the department of justice.

30 (15) A conditional sales vendor, chattel mortgagee, or assignee who fails to file a satisfaction of a chattel

1 mortgage, assignment, or conditional sale contract within 15 days after receiving final payment shall pay to the
 2 department of justice the sum of \$1 for each day after the expiration of the 15-day period that the person fails
 3 to file the satisfaction.

4 (16) Upon receipt of notice of any involuntary liens or attachments against the record of an off-highway
 5 vehicle in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor,
 6 mortgagee, or their assignee a notice of the lien, showing the date of execution of the lien and, in the case of
 7 attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the
 8 attaching creditor, or both.

9 (17) It is not necessary to refile with the department of justice instruments on file in the offices of the
 10 county clerk and recorders at the time this law takes effect.

11 (18) A fee of \$4 must be paid to the department of justice to file a security interest or other lien against
 12 an off-highway vehicle. The \$4 fee includes and covers the cost of filing a satisfaction or release of the security
 13 interest and also the cost of entering the satisfaction or release on the records of the department of justice and
 14 deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must
 15 be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security
 16 interest or other lien on file in the office of the department of justice or for filing an assignment of a security
 17 interest or other lien on file with the department of justice. All fees provided for in this section must be paid to
 18 the county treasurer for deposit in the state general fund in accordance with 15-1-504."

19

20 **SECTION 6. SECTION 61-3-103, MCA, IS AMENDED TO READ:**

21 **"61-3-103. (Temporary) Filing of security interests -- perfection -- rights -- procedure -- fees. (1)**
 22 Except as provided in 61-3-109, the department may not file any voluntary security interest or lien unless it is
 23 accompanied by or specified in the application for a certificate of ownership of the vehicle encumbered. If the
 24 approved notice form is transmitted to the department, the security agreement or other lien instrument that
 25 creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient
 26 as a lien notice if it contains the name and address of the debtor and the secured party, the complete vehicle
 27 description, and the amount of the lien and is signed by the debtor. The department shall file voluntary security
 28 interests and liens by entering the name and address of the secured party upon the face of the certificate of
 29 ownership. Involuntary liens must be filed against the record of the vehicle encumbered. The department shall
 30 mail a statement certifying to the filing of a security interest or lien to the secured party. The department shall

1 mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of
2 ownership and filing of the security interest are paid for by a creditor or secured party, the department shall
3 return the certificate of ownership to the county treasurer in the county in which the vehicle is to be registered.

4 The owner of a motor vehicle is the person entitled to operate and possess the motor vehicle.

5 (2) A security interest in a motor vehicle held as inventory by a dealer licensed under chapter 4 of this
6 title must be perfected in accordance with Title 30, chapter 9A.

7 (3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security
8 interests previously perfected under this section, the department shall endorse on the face of the certificate of
9 ownership, "NOTICE. This motor vehicle is subject to additional security interests on file with the Department
10 of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

11 (4) Satisfactions or statements of release filed with the department under this chapter must be retained
12 by it for a period of 8 years after receipt, after which they may be destroyed.

13 (5) Except as provided in 61-3-109 and subsection (6) of this section, a voluntary security interest or
14 lien is perfected on the date that the lien notice and the certificate of ownership or manufacturer's statement of
15 origin are delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party
16 a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent
17 purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence
18 of the security interest.

19 (6) Except as provided in 61-3-109, voluntary security interests or lien filings that do not require transfer
20 of ownership are perfected on the date that the lien notice and the certificate of ownership or manufacturer's
21 statement of origin are received by the department. On that date, the department shall issue to the secured party
22 a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to
23 subsequent purchasers or encumbrancers, from the date that the lien notice is delivered to the department, of
24 the existence of the security interest.

25 (7) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, the
26 mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment
27 of motor vehicles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits
28 must be made with the department.

29 (8) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a
30 chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is

1 required to pay the department the sum of \$1 for each day that the person fails to file the satisfaction.

2 (9) Upon receipt of notice of any involuntary liens or attachments against the record of any motor vehicle
3 registered in this state, the department shall within 24 hours mail to the owner, conditional sale vendor,
4 mortgagees, or assignees of the owner, conditional sale vendor, or mortgagees a notice showing the name and
5 address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of
6 attachment, the full title of the court and the action and the names of the attorneys for the plaintiff and attaching
7 creditor.

8 (10) It is not necessary to refile with the department any instruments on file in the offices of the county
9 clerk and recorders at the time that this law takes effect.

10 (11) A fee of \$8 must be paid to the department to file any security interest or other lien against a motor
11 vehicle. The \$8 fee includes the cost of filing a satisfaction or release of the security interest and also the cost
12 of entering the satisfaction or release on the records of the department ~~and of deleting the endorsement of the~~
13 ~~security interest from the face of the certificate of ownership.~~ A fee of \$4 must be paid to the department for
14 issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office
15 of the department or for filing an assignment of any security interest or other lien on file with the department. All
16 fees provided for in this section must be paid to the county treasurer. Of the \$8 fee, \$4 must be deposited in the
17 state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state treasurer for
18 deposit in the motor vehicle information technology system account provided for in 61-3-550.

19 (12) A fee of \$15 \$10 must be paid to the department by a vehicle owner if, following satisfaction or
20 release of a security interest and its removal from the department's records, the vehicle owner requests issuance
21 of a new certificate of title without the security interest or lien shown on the face of the title. The \$15 \$10 fee must
22 be deposited in the motor vehicle information technology system account provided for in 61-3-550. (Terminates
23 June 30, 2008--sec. 2, Ch. 260, L. 1999.)

24 **61-3-103. (Effective July 1, 2008) Filing of security interests -- perfection -- rights -- procedure --**
25 **fees.** (1) The department may not file any voluntary security interest or lien unless it is accompanied by or
26 specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form
27 is transmitted to the department, the security agreement or other lien instrument that creates the security interest
28 must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains
29 the name and address of the debtor and the secured party, the complete vehicle description, amount of lien, and
30 is signed by the debtor. The department shall file voluntary security interests and liens by entering the name and

1 address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against
2 the record of the vehicle encumbered. The department shall mail a statement certifying to the filing of a security
3 interest or lien to the secured party. The department shall mail the certificate of ownership to the owner at the
4 address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid
5 for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer
6 where the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess
7 the motor vehicle.

8 (2) A security interest in a motor vehicle held as inventory by a dealer licensed under chapter 4 of this
9 title must be perfected in accordance with Title 30, chapter 9A.

10 (3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security
11 interests previously perfected under this section, the department shall endorse on the face of the certificate of
12 ownership, "NOTICE. This motor vehicle is subject to additional security interests on file with the Department
13 of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

14 (4) Satisfactions or statements of release filed with the department under this chapter must be retained
15 by it for a period of 8 years after receipt, after which they may be destroyed.

16 (5) Except as provided in subsection (6), a voluntary security interest or lien is perfected on the date
17 the lien notice and the certificate of ownership or manufacturer's statement of origin are delivered to the county
18 treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection.
19 Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from
20 the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

21 (6) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on
22 the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by
23 the department. On that date, the department shall issue to the secured party a receipt evidencing the perfection.
24 Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers,
25 from the date the lien notice is delivered to the department, of the existence of the security interest.

26 (7) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, the
27 mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment
28 of motor vehicles all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits
29 must be made with the department.

30 (8) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a

1 chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is
2 required to pay the department the sum of \$1 for each day that the person fails to file such satisfaction.

3 (9) Upon receipt of notice of any involuntary liens or attachments against the record of any motor vehicle
4 registered in this state, the department shall within 24 hours mail to the owner, conditional sale vendor,
5 mortgagees, or assignees of any owner, conditional sale vendor, or mortgagees a notice showing the name and
6 address of the lien claimant, amount of the lien, date of execution of lien, and in the case of attachment the full
7 title of the court and the action and the name of the attorneys for the plaintiff and attaching creditor.

8 (10) It is not necessary to refile with the department any instruments on file in the offices of the county
9 clerk and recorders at the time this law takes effect.

10 (11) A fee of \$8 must be paid to the department to file any security interest or other lien against a motor
11 vehicle. The \$8 fee must include and cover the cost of filing a satisfaction or release of the security interest and
12 also the cost of entering the satisfaction or release on the records of the department ~~and deleting the~~
13 ~~endorsement of the security interest from the face of the certificate of ownership~~. A fee of \$4 must be paid to the
14 department for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on
15 file in the office of the department or for filing an assignment of any security interest or other lien on file with the
16 department. All fees provided for in this section must be paid to the county treasurer. Of the \$8 fee, \$4 must be
17 deposited in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the
18 state treasurer for deposit in the motor vehicle information technology system account provided for in 61-3-550.

19 (12) A fee of \$15 \$10 must be paid to the department by a vehicle owner if, following satisfaction or
20 release of a security interest and its removal from the department's records, the vehicle owner requests issuance
21 of a new certificate of title without the security interest or lien shown on the face of the title. The \$15 \$10 fee must
22 be deposited in the motor vehicle information technology system account provided for in 61-3-550. (Terminates
23 June 30, 2011--sec. 9, Ch. 394, L. 2001.)

24 **61-3-103. (Effective July 1, 2011) Filing of security interests -- perfection -- rights -- procedure --**
25 **fees.** (1) The department may not file any voluntary security interest or lien unless it is accompanied by or
26 specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form
27 is transmitted to the department, the security agreement or other lien instrument that creates the security interest
28 must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains
29 the name and address of the debtor and the secured party, the complete vehicle description, amount of lien, and
30 is signed by the debtor. The department shall file voluntary security interests and liens by entering the name and

1 address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against
2 the record of the vehicle encumbered. The department shall mail a statement certifying to the filing of a security
3 interest or lien to the secured party. The department shall mail the certificate of ownership to the owner at the
4 address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid
5 for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer
6 where the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess
7 the motor vehicle.

8 (2) A security interest in a motor vehicle held as inventory by a dealer licensed under chapter 4 of this
9 title must be perfected in accordance with Title 30, chapter 9A.

10 (3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security
11 interests previously perfected under this section, the department shall endorse on the face of the certificate of
12 ownership, "NOTICE. This motor vehicle is subject to additional security interests on file with the Department
13 of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

14 (4) Satisfactions or statements of release filed with the department under this chapter must be retained
15 by it for a period of 8 years after receipt, after which they may be destroyed.

16 (5) Except as provided in subsection (6), a voluntary security interest or lien is perfected on the date
17 the lien notice and the certificate of ownership or manufacturer's statement of origin are delivered to the county
18 treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection.
19 Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from
20 the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

21 (6) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on
22 the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by
23 the department. On that date, the department shall issue to the secured party a receipt evidencing the perfection.
24 Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers,
25 from the date the lien notice is delivered to the department, of the existence of the security interest.

26 (7) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, the
27 mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment
28 of motor vehicles all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits
29 must be made with the department.

30 (8) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a

1 chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is
2 required to pay the department the sum of \$1 for each day that the person fails to file such satisfaction.

3 (9) Upon receipt of notice of any involuntary liens or attachments against the record of any motor vehicle
4 registered in this state, the department shall within 24 hours mail to the owner, conditional sale vendor,
5 mortgagees, or assignees of any owner, conditional sale vendor, or mortgagees a notice showing the name and
6 address of the lien claimant, amount of the lien, date of execution of lien, and in the case of attachment the full
7 title of the court and the action and the name of the attorneys for the plaintiff and attaching creditor.

8 (10) It is not necessary to refile with the department any instruments on file in the offices of the county
9 clerk and recorders at the time this law takes effect.

10 (11) A fee of \$4 must be paid to the department to file any security interest or other lien against a motor
11 vehicle. The \$4 fee must include and cover the cost of filing a satisfaction or release of the security interest and
12 also the cost of entering the satisfaction or release on the records of the department ~~and deleting the~~
13 ~~endorsement of the security interest from the face of the certificate of ownership.~~ A fee of \$4 must be paid to the
14 department for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on
15 file in the office of the department or for filing an assignment of any security interest or other lien on file with the
16 department. All fees provided for in this section must be paid to the county treasurer for deposit in the state
17 general fund in accordance with 15-1-504.

18 (12) A fee of \$15 \$10 must be paid to the department by a vehicle owner if, following satisfaction or
19 release of a security interest and its removal from the department's records, the vehicle owner requests issuance
20 of a new certificate of title without the security interest or lien shown on the face of the title. The \$15 \$10 fee must
21 be deposited in the motor vehicle information technology system account provided for in 61-3-550."

22

23 **Section 7.** Section 61-3-203, MCA, is amended to read:

24 **"61-3-203. Fee for original certificate of ownership and transfer of registration -- disposition.** A
25 charge of ~~\$5 \$10 \$13 \$10~~ must be made for issuance of an original certificate of ownership of title and for a
26 transfer of registration, which must be collected by the county treasurer. An additional fee of \$2 must be paid
27 for light vehicles, trucks and buses weighing less than 1 ton, and logging trucks. The fees must be PAID TO THE
28 COUNTY TREASURER AND, OF THE \$13 \$10 FEE, \$5 MUST BE FORWARDED TO THE DEPARTMENT OF REVENUE AND
29 deposited in the state general fund. THE REMAINING \$8 \$5 MUST BE FORWARDED TO THE DEPARTMENT FOR DEPOSIT
30 IN THE MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM ACCOUNT PROVIDED FOR IN 61-3-550."

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SECTION 8. SECTION 61-3-204, MCA, IS AMENDED TO READ:

"61-3-204. Lost certificates. ~~In the event any~~ If a certificate of ownership is lost, mutilated, or becomes illegible, the owner shall immediately ~~make application~~ apply for and obtain a duplicate ~~thereof of the certificate of ownership,~~ upon furnishing satisfactory evidence of ~~such the~~ facts and upon payment of a fee of ~~33~~ \$10. ~~Revenue from this~~ Of the \$10 fee, \$5 must be deposited in the state general fund in accordance with 15-1-504, and the remaining \$5 must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550."

Section 9. Section 61-3-550, MCA, is amended to read:

"61-3-550. (Temporary) Motor vehicle information technology system account. (1) There is a motor vehicle information technology system account in the state special revenue fund provided for in 17-2-102.

(2) Fees received by the department of revenue pursuant to 61-3-103 ~~and \$5, \$8~~ \$5 of each fee received under 23-2-508, 23-2-611, 23-2-811, and 61-3-203 for a certificate of ownership, AND \$5 FROM THE FEE RECEIVED UNDER 61-3-204 must be deposited in the account.

(3) The money in the motor vehicle information technology system account: ~~(A)~~ must be appropriated by the legislature to the department of justice and must be used by the department for the purpose of:

~~(a)(i)(A)~~ repaying any indebtedness or loan incurred for the creation of a new information technology system for motor vehicles; or

~~(b)(ii)(B)~~ payment of costs directly incurred in the creation and support of the new motor vehicle information technology system;

~~(b) IN EXCESS OF THE AMOUNT IN SUBSECTION (3)(A), UP TO \$1.8 MILLION PER YEAR, MAY BE TRANSFERRED TO THE ACCOUNT PROVIDED FOR IN 3-5-904. (Terminates June 30, 2011 2013--sec. 9, Ch. 394, L. 2001.)"~~

~~**SECTION 11.** SECTION 4, CHAPTER 361, LAWS OF 1995, IS AMENDED TO READ:~~

~~"Section 4. Effective date -- termination date. (1) [This act] is effective July 1, 1995.~~

~~(2) [This act] [Section 1] terminates June 30, 1999."~~

~~**SECTION 12.** SECTION 1, CHAPTER 71, LAWS OF 1999, IS AMENDED TO READ:~~

1 ~~Section 1. Section 4, Chapter 361, Laws of 1995, is amended to read:~~

2 ~~Section 4. Effective date -- termination date. (1) [This act] is effective July 1, 1995.~~

3 ~~(2) [This act] [Section 1] terminates June 30, 1999 2003.~~

4

5 **Section 10.** Section 5, Chapter 394, Laws of 2001, is amended to read:

6 **"Section 5. Deposit of loan proceeds -- capital projects appropriation.** (1) The proceeds of any loan
7 from the board of investments to the department of justice for creation of a new motor vehicle information
8 technology system must be deposited in the capital projects fund.

9 (2) ~~There~~ EXCEPT AS PROVIDED IN SUBSECTION (5), THERE is appropriated from the capital projects fund
10 to the department of justice up to ~~\$4.5~~ \$22.5 million for the motor vehicle information technology system
11 described in 17-5-2001.

12 (3) The department of justice is prohibited from using any of the proceeds from the loan for the motor
13 vehicle information technology system authorized by 17-5-2001 for agency current level operating expenses.

14 (4) The appropriation continues until the project is completed in accordance with 17-7-212.

15 (5) THE DEPARTMENT OF JUSTICE MAY NOT CONTINUE TO EXPEND FUNDS ON ANY LOAN FROM THE BOARD OF
16 INVESTMENTS AUTHORIZED BY THE 58TH LEGISLATURE TO FINANCE THE INFORMATION TECHNOLOGY SYSTEM DESCRIBED
17 IN 17-5-2001(2)(A) AFTER JUNE 30, 2005, WITHOUT OBTAINING SPENDING AUTHORITY FROM THE 59TH LEGISLATURE."

18

19 **Section 11.** Section 9, Chapter 394, Laws of 2001, is amended to read:

20 **"Section 9. Termination.** (1) ~~[This act]~~ Except as provided in subsection (2), [this act] terminates June
21 30, ~~2014~~ 2013.

22 (2) [Section 3] terminates June 30, 2011."

23

24 ~~NEW SECTION. SECTION 15. COORDINATION INSTRUCTION. IF [THIS ACT] AND HOUSE BILL NO. 18 ARE BOTH~~
25 ~~PASSED AND APPROVED AND IF [THIS ACT] IS IN A FORM THAT INCLUDES FUNDING FOR COURT INFORMATION TECHNOLOGY,~~
26 ~~THEN HOUSE BILL NO. 18 IS VOID.~~

27

28 NEW SECTION. SECTION 12. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 538 AND [THIS ACT] ARE BOTH
29 PASSED AND APPROVED, THEN:

30 (1) [SECTION 11] OF [THIS ACT], AMENDING SECTION 9, CHAPTER 394, LAWS OF 2001, IS VOID.

